

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

July 14, 2005

Chairman J. Aslakson called the meeting to order at 4:07 p.m. and roll was taken.

MEMBERS PRESENT: J. Aslakson, B. Turnquist, T. Michalski, T. Johnson, T. Harryman,  
L. Spataro, B. Mazade

MEMBERS ABSENT: S. Warmington, excused; B. Smith

STAFF PRESENT: M. Cameron, D. Leafers

OTHERS PRESENT: T. Sparks, 4880 Airline Rd.; C. Hotz, 2204 McCracken; M. Alcorn,  
2200 McCracken; A. Yellepeddy, 2031 Miner; S. Franklin, 1117 E.  
Norton; J. Bouwens, MHB II, LLC.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of June 16, 2005 was made by T. Johnson, supported by B. Turnquist and unanimously approved.

L. Spataro arrived at 4:08 p.m.

PUBLIC HEARINGS

**Hearing; Case 2005-23:** Request to rezone the properties located at 137 and 109 E. Laketon Avenue from R-1, One Family Residential to B-2, Convenience and Comparison Business, by James Anthony. This case was tabled until next month. It was inadvertently advertised as West Laketon when it should have been East Laketon.

A motion that the request to rezone the properties located at 137 and 109 E. Laketon Avenue be tabled, was made by T. Johnson, supported by T. Harryman and unanimously approved.

**Hearing; Case 2005-24:** Request for a special land use permit, per section 401 (6a.) of Article IV of the Zoning Ordinance, to allow a bait and tackle store in an R-1, One Family Residential zoning district at 2204 McCracken Street, by Timothy Sparks. L. Anguilm presented the staff report. The subject property is the site of a previously existing commercial building on the corner of McCracken St. and Miner Ave. The property is surrounded by an R-1 zoning district but is one block south of Lakeshore Drive, which is zoned RM-1, B-4 and B-2. Since the commercial space in

this building is so small, only 3 parking spaces would be required. These spaces could be provided in the front drive or with some limited on-street parking. This property previously housed an antique store, which had legal non-conforming status. However, since the building has been vacant for more than two years, the legal non-conforming status has expired. The use proposed appears to meet the requirements of section 401, 6.a., and conditions may be set by the Planning Commission, (see Section 401 6.c, Conditions). A site plan was provided to City staff. Engineering, Fire, Police, and DPW expressed no concerns regarding this use. Rita Hazard, 2030 Miner and Robert Ostrander, 1998 Morton both had no objection to the request. L. Anguilm spoke to the Lakeside Neighborhood Association representative at the NAM meeting and she had no objections. Mr. Yellepeddy of 2031 Miner phoned and stated he was opposed to the request. He was concerned about traffic and the lack of parking. E-mail messages were received from M. Alcorn of 2200 McCracken and S. Schiller of 2218 McCracken. Both were opposed to the request because of traffic, noise, and parking.

T. Michalski asked how the long building had been vacant. L. Anguilm stated at least two years. T. Sparks stated the business would provide a service to Lakeside, and the hours would not interfere with bus routes or other traffic. He felt there was adequate parking for the amount of business he anticipated. T. Harryman asked what the hours of operation would be. T. Sparks stated 5:00 a.m. to 5:00 p.m. to start, but it would depend on the season and weather conditions. T. Johnson asked if they'd be selling items such as clothing and waders. C. Hotz stated no, only things like bait, hooks, and sinkers. They didn't have room for much more than that. B. Turnquist asked if it would be a seasonal business. T. Sparks stated they were going to try it year round. They also planned to have a ship-to-shore radio, which would provide more security to those on the lake, in case of problems.

M. Alcorn felt that parking would be a problem, and that trucks with boat trailers would take up most of the street parking in the area, including in front of her home. She was also concerned about the noise at 5:00 a.m. She didn't feel that another bait shop was needed when there was one two blocks away. She didn't think a rezoning was appropriate. J. Aslakson stated that this was not a rezoning, but a special use permit, which was permitted under the R-1 zoning. When this use ceased, the property would revert back to residential. M. Alcorn stated there were two apartment houses next to this location and there are already cars parked everywhere. She felt that the additional traffic from a bait shop would make the parking situation worse. She also felt it would make the area less desirable for homeowners and lower the property values.

B. Mazade arrived at 4:17 p.m.

L. Spataro asked where M. Alcorn's house was in relation to the applicant's property. M. Alcorn stated it was across Miner. She also provided photos of the area to show the lack of parking. She recently purchased her home and had put a lot of work into improvements. She felt that allowing this use would be a detriment to her home and the neighborhood. Ms. Yellepeddy spoke on behalf of her parents at 2031 Miner, who were unable to attend the meeting. They were also concerned about traffic and noise. They were concerned that the additional traffic would be dangerous to kids playing in the area. C. Hotz stated that traffic would still come down McCracken St. whether their bait shop was there or not, since it is a direct route to the boat launch. He didn't think the bait shop traffic would be turning off McCracken onto Miner, since it would be too hard to turn around if you were towing a trailer. He also stated they would be making improvements to the building and it would look nicer than it does now, sitting vacant. Ms. Yellepeddy stated there is parking on only one side of McCracken, and traffic coming from the north would have to either do a U-turn

somewhere or use Miner Ave. M. Alcorn felt it was not reasonable to say that noise and traffic would not impact area residents.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

T. Michalski asked if there was parking on McCracken in front of applicant's building. L. Anguilm stated there was. L. Spataro stated the City had many instances of commercial business in residential areas without adverse effects on the property values. B. Mazade stated he would abstain from voting because he was not there for the full discussion. T. Johnson was concerned that if the business expanded, it could become a nuisance to the neighbors. L. Anguilm stated that because the building was so small, it would be difficult to expand.

A motion to recommend approval to the City Commission of the Special Land Use permit, per section 401 (6.a) of the Zoning Ordinance, to allow a bait and tackle shop in R-1 zoning district at 2204 McCracken Street with the following conditions: 1) all parking must be accommodated on site with limited street parking, 2) outdoor storage is prohibited, 3) signs must comply with those set forth for the residential zoning district, 4) the sale of alcohol is prohibited, 5) the special land use permit shall become null and void within one year of the public hearing if the use has not been established or there is a violation of conditions 1-4, and 6) the Special Land Use permit document shall be recorded with the register of deeds prior to occupying the building, was made by L. Spataro, supported by T. Michalski and approved, with B. Turnquist voting nay and B. Mazade abstaining.

**Hearing; Case 2005-25: Request to rezone the property located at 2360 S. Getty Street from B-4, General Business, to I-2, General Industrial, by Steve Franklin.** L. Anguilm presented the staff report. The subject property at 2360 S. Getty Street is the westerly 114.75 feet of the vacant parcel, which totals approximately 7 acres. The parcel appears to have been two separate parcels at one time and were joined as one, but the zoning line continued to run along the previous property line. Mr. Franklin intends to use the entire parcel for storage of aggregate and other construction materials, as is allowed in an I-2 zone. He originally requested staff site plan approval for the 2 acres fronting on Hovey Street so he could utilize a portion of his property until the entire parcel can receive site plan approval from the Planning Commission. That request will come before the Planning Commission, if the zone change is approved by City Commission. Hovey Street is an unimproved street which borders Muskegon Township. Porter Steel and Welding is located in Muskegon Township across Hovey Street from Mr. Franklin's property. The property to the north and east of the parcel is zoned I-2. The property to the west is zoned B-4. The rezoning of this portion of the parcel would place the entire parcel under one zoning classification. No comments have been received regarding this request. It is unlikely that this area will be developed for commercial uses, due to its visibility and accessibility problems. The Master Plan's Future Land Use Map shows this property as industrial. Based on the Master Plan for that area, staff recommends approval of the request.

B. Mazade asked what the property would be used for. S. Franklin stated it would be for storage of aggregate, sand, and other construction materials. The site is well hidden from view of any main streets. T. Harryman asked if there would be any crushing on site. S. Franklin stated no. T. Johnson stated that an I-2 zoning would allow many different types of businesses and asked if there were any

future plans for the site. S. Franklin stated there were not at this time. He stated that most of the parcel is already zoned I-2. Only a small part (144 ft.) is zoned B-4.

A motion to close the public hearing was made by T. Michalski, supported by B. Mazade and unanimously approved.

A motion that the request to rezone the property located 2360 S. Getty Street, from B-4 General Business to I-2 General Industrial, be recommended for approval to the City Commission was made by T. Michalski, supported by B. Mazade, and unanimously approved.

**Hearing; Case 2005-26: Request for a special land use permit, per Section 1101 (2) of Article VI of the zoning ordinance, to allow a bank with drive-in facilities at 715 Terrace Street, by John Bouwens.** L. Anguilm presented the staff report. The previous property owner obtained a Special Use Permit for this same project in 2002, but construction on the building was stalled due to the financial difficulties of the previous property owner. Construction has once again begun on the building under new ownership, and MHB II, LLC, wishes to construct the building using the same plans as originally approved. Since there is not a request to amend the site plan or alter the conditions of the Special Use Permit, the Planning Commission may amend the Special Use Permit to extend its expiration date. The properties to the North, East and West are zoned B-2. They include the Shoreline Inn and Suites, Edison Landing, and the City-owned "Terrace Street lots". The property to the South is zoned B-3. No comments have been received regarding this request.

J. Bouwens stated that originally they were required to install sidewalks on all three streets surrounding their property. He stated that on Shoreline Drive there are no sidewalks anywhere else, so he asked why they were required to have one. Staff and Commission members recalled that installation of sidewalks was added as a condition when the original SUP was approved. L. Spataro stated that there was no pedestrian walkway from Terrace Plaza to the subject property.

A motion to close the public hearing was made by T. Harryman, supported by T. Michalski and unanimously approved.

Board members discussed the sidewalks and where they should be required. They decided not to require a sidewalk along Shoreline Drive, but would require one on Terrace St., from Shoreline Dr. to Morris St.

A motion to recommend that the City Commission approve the amendment of the special land use permit, per Section 1101 (2) of Article VI of the Zoning Ordinance, to allow a bank with drive in facilities in B-2 zoning district at 715 Terrace Street subject to the following conditions: 1) the property owner and operator shall remain in compliance with the approved site plan dated 7/10/02, including the approved landscaping plan, 2) sidewalks need to be provided on Terrace St. from Shoreline Drive to Morris St., 3) the exact setback along the Shoreline Drive frontage needs to be provided to the Planning Department, 4) the special land use permit shall become null and void within one year of the public hearing if the use has not been established or there is a violation of conditions 1-3, and 4) the Special Land Use permit document shall be recorded with the register of deeds prior to occupying the building, was made by T. Harryman, supported by T. Michalski, and unanimously approved.

## OLD BUSINESS

None

## NEW BUSINESS

None

## OTHER

**PUD Requirements** B. Mazade stated that some City Commissioners had concerns about PUD requirements that are approved by the PC, deferred, and then not completed by the developer. He asked for input from Commission members about enforcement of PUD conditions, and gave three examples of projects where conditions were not met. Shoreline Inn and Suites had at least 2 PUD conditions that they did not comply with. One was construction of a sidewalk from the hotel out to Shoreline Dr. and the Lakeshore Pathway, and the other was to level out the berms along Shoreline Dr. Lack of sidewalks in the Harbour Towne development and issues with the Balcom's Cove project were two other examples. Members discussed possible options, which included performance bonds, avoiding deferred requirements, withholding occupancy or additional building permits until work is completed, issuing stop work orders, and financial penalties. B. Mazade stated that the Planning Commission has done a good job with the conditions and spelling out what is required. T. Johnson stated that performance bonds might sound like a good idea, but they are complicated documents. B. Mazade thanked the members for their input and stated he would discuss it with the City Commissioners.

**2005 Work Plan** J. Aslakson asked that each Commission member allocate their 10 votes to the projects they desired and submit them to L. Anguilm before the next PC meeting.

There being no further business, the meeting was adjourned at 5:18 p.m.

7/14/05

dml